

**KENTUCKY BOARD OF EDUCATION
PROPOSED 2006 LEGISLATIVE AGENDA**

PRINCIPAL SELECTION

Clarify the language on principal selection to clearly indicate that the superintendent recommends candidates for the position and the council selects from among those recommended.

Rationale: This would continue the most common interpretation of the law prior to the Supreme Court ruling in *Mary Robinson v. Ronald Back*. Both the superintendent and the school council should have a common understanding of the criteria for candidate selection and come to a consensus on the best candidate, if at all possible. In any event, the person selected for principal should have the recommendation of the superintendent.

SCHOOL FACILITIES

Growth nickel

Repeal the sunset provision of KRS 157.621 to ensure any eligible district is able to levy the growth nickel if needed for facilities due to unusual growth in student population.

Rationale: Authority to levy the growth nickel as provided in KRS 157.621 has a sunset provision. Authority to continue to allow districts to levy the tax has been contained in every budget bill since the sunset provision went into effect. While the growth nickel affects only a few districts, it should be a viable option for those who qualify.

Prevailing wage

Suspend the prevailing wage requirement for school construction for two to five years to study the impact.

Rationale: Since 1996, state law has required construction workers on state, school district, or local government public construction projects costing \$250,000 or more to be paid at least the prevailing wage of the locality in which the project is built. Prevailing wage proponents argue that the higher wages result in better quality construction that is built more efficiently by more highly skilled and productive workers. Opponents believe that the law results in higher costs with little evidence of improved quality. Some also argue that it reduces competition because of the limitations placed on the contractor and the increased paperwork.

In December 2001, the Kentucky Legislative Research Commission's Program Review and Investigations Committee completed a study of Kentucky's prevailing wage laws and procedures. The report stated, "There was substantial evidence that prevailing wage laws did increase the initial costs of construction. It was unclear, however, whether the requirements resulted in higher quality construction." Based on responses to a staff survey to school district superintendents (116 of 176 school districts responding), 95.7% districts reported that prevailing wage had increased the initial cost of construction and only 4% thought the increased wages improved quality. In addition, the Program Review and Investigations report found that the method for calculating the prevailing wage does not provide representative wages and that the wages are often higher than average wages paid in the geographical area. Other external studies reviewing the impact of prevailing wage on Kentucky school construction have found little or no

significant increase in the cost of school construction, but the Program Review and Investigation study notes that several of the studies omitted factors affecting construction costs. As of June 30, 2003, the unmet facility needs of local school districts exceeded \$1.9 billion. With the state's shortage of revenue, it is imperative that all cost savings efforts be utilized. At the end of the two- to five-year period of suspension of the requirement, we can more accurately determine the impact of the prevailing wage law.

LEARNING COMPACT FOR STUDENTS AT KEY TRANSITION POINTS

Assure that each student is ready to progress at key transition points or have interventions planned to address problems.

Rationale: Policymakers, parents and citizens expect educators to provide every student in the Commonwealth with the education necessary to be successful in life. Currently, school councils are required to review their data annually and develop a plan with the involvement of parents, faculty, and staff to ensure progress for each student. Educators have responded and this has resulted in higher student achievement. At the same time, too many students still graduate with deficits or drop out of the system. More attention is needed to assure that each student is ready to progress at key transition points. Interventions for those students who are not progressing will help schools meet their goals for state and federal accountability.

KENTUCKY SCHOOL FOR THE BLIND/KENTUCKY SCHOOL FOR THE DEAF

Make clear the employment of teachers at KSB/KSD is comparable to local school districts, not KRS Chapter 18A.

Rationale: KRS 163.032 states that the certified staffs at the two schools have the same statutory employment status and benefits as certified teachers in the public schools, but the staffs are hired in the KRS 18A personnel system, which has different rules. Most positions in the state personnel system are governed by six-month probationary periods, while teachers receive an annual contract until their fourth year. There are also different requirements for evaluation. In addition, the Kentucky Personnel Board hears a teacher's appeal of dismissal in the state personnel system, while a tribunal hears a local district teacher's appeal. The law needs to be clarified to avoid confusion.